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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JAMES BUSEY,

9 Plaintiff,

10 v.

11 WELLS FARGO BANK, N.A., a
national banking institution,

12 Defendant.

CASE NO. C19-5880 RJB

ORDER TO SHOW CAUSE

13 This matter comes before the Court *sua sponte* on review of the file. The Court is fully
14 advised.

15 On September 19, 2019, this case was removed from Pierce County Superior Court. Dkt.
16 1. On September 26, 2019, the Court issued a Minute Order Regarding Initial Disclosures, Joint
17 Status Report, and Early Settlement. Dkt. 10. In that order, the Court directed that the parties
18 file a Combined Joint Status Report and Discovery Plan not later than December 26, 2019,
19 pursuant to Fed. R. Civ. P. 16 and Local Fed. R. Civ. P. 16(a). *Id.* The Court further directed
20 that Plaintiff serve copies of the order on all parties who appeared after the order was filed. *Id.*
21 The Court directed that Plaintiff would be responsible for starting the communications needed to
22 comply with the minute order. *Id.*
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1 No Joint Status Report has been filed. The Defendant filed a status report and indicates
2 that Plaintiff did not participate in creating the report. Dkt. 20.

3 **FAILURE TO FILE JOINT STATUS REPORT**

4 Fed. R. Civ. P. 16 (f)(1) provides that the court, on motion or on its own, may issue “any just
5 orders including those authorized by Fed. R. Civ. P. 37 (b)(2)(A)(ii)-(vii)” if a party “fails to
6 obey a scheduling or other pretrial order.” Under Fed. R. Civ. P. 37 (b)(2)(A)(v), the court may
7 dismiss an action or proceeding in whole or in part for failure to obey a court order.

8 It is Plaintiff’s responsibility to initiate communications needed to comply with the Court’s
9 orders requiring a Combined Joint Status Report and Discovery Plan, and they have not shown
10 that they have done so. Accordingly, Plaintiff should be ordered to either file a Combined Joint
11 Status Report and Discovery Plan or show cause, if any they have, in writing, why this case
12 should not be dismissed without prejudice under Fed. R. Civ. P. 16 (f)(1) and 37 (b)(2)(A)(v) by
13 **January 13, 2020.**

14 **ORDER**

15 Therefore, it is hereby **ORDERED** that:

- 16 • Plaintiff **IS ORDERED** to either file a Combined Joint Status Report and
17 Discovery Plan or show cause, if any he has, in writing, why this case should not
18 be dismissed without prejudice under Fed. R. Civ. P. 16 (f)(1) and 37 (b)(2)(A)(v)
19 by **January 13, 2020.**

20 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
21 to any party appearing *pro se* at said party’s last known address.
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1 Dated this 27th day of December, 2019.

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3 ROBERT J. BRYAN
4 United States District Judge